IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25068 of 2004

Between:

1 Habeeb Ahmed Khan, S/o. Late Mohd. Khan,
R/o. 5-5-290 to 5-5-294, Near Ek-Minar Masjid, Darusalam Road,
Nampally, Hyderabad.
2 Yousuf Khan, S/o. Late Mohd. Khan,
R/o. 5-5-290 to 5-5-294, Near Ek-Minar Masjid, Darusalam Road,
Nampally, Hyderabad.
3 Basheer Ahemed Khan, S/o. Late Mohd. Khan,
R/o. 5-5-290 to 5-5-294, Near Ek-Minar Masjid, Darusalam Road,
Nampally, Hyderabad.

..... PETITIONERS

AND

1 Assistant City Planner, Circle No.6, T.P. Section,
Municipal Corporation of Hyderabad, Abids, Hyderabad.
2 The Commissioner,
Municipal Corporation of Hyderabad, TankBund, Hyderabad.
3 Hameed a. Mohsinee, R/o. 11-5-324, Opp Cancer Hospital, Bazar Ghat,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or directions more particularly one in the nature of Writ of Mandamus, restraining the Respondents No.1 and 2 from dispossessing the forcibly taking away the petitioners premises No.5-5-290 to 5-5-294, Near Ek Minar Masjid, Nampally, Darusalam Road, Hyderabad and to declare the action of the Respondent No.1 dated 23-12-2004 of orally threatening to pull down the petitioners premises after first Jan.2005 as illegal, arbitrary, bad in the eye of law, null and void and in contravention of Sections 146 and 147 of H.M.C. Act and also the Judgment of This Hon'ble Court rendered in W.P.No.6317 of 1996 dated 15-3-2001 and to pass such other order or orders

Counsel for the Petitioner: MR.SYEDTARAQ QUADRI

Counsel for the Respondents 1 and 2: MR.RAMA RAO GANTA

Counsel for the Respondent No.3: --------

The Court at the admission stage, made the following :

HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No.25068 of 2004

O R D ER:

Alleging that the respondents are seeking to demolish the building of the petitioners without following the due process of law, the petitioner filed the present writ petition.

2. On instructions, the learned Standing Counsel for the respondents-Corporation submits that the petitioner has filed the writ petition on apprehension, and that the respondents would follow the due process of law, if they take any decision to demolish the building of the petitioners.

3. In view of the submission made by the learned Standing Counsel for the respondents-Corporation to the effect that the respondents would follow the due process of law, the apprehension of the petitioners stands removed.

4. Therefore, no further orders need be passed in the writ petition, and the same is accordingly closed.

December 31, 2004 (N.V.RAMANA, J)

KSR/KVR

To

1 Assistant City Planner, Circle No.6, T.P. Section,
Municipal Corporation of Hyderabad, Abids, Hyderabad.
2 The Commissioner,
Municipal Corporation of Hyderabad, TankBund, Hyderabad.
3 Two C.D.Copies.

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 25068 of 2004

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31-12-2004